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Attorneys for Defendants

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

EUGENE DIVISION

WILLAMETTE RIVERKEEPER and
CONSERVATION ANGLER,

Plaintiffs,

v.

U.S. ARMY CORPS OF ENGINEERS and
AARON DORF,

Defendants.

Case No. 6:17-cv-00801-MC

NOTICE OF BIOLOGICAL OPINION
AND DETERMINATIONS

Pursuant to the parties' recent status report, ECF 43, Defendants provide the Court with notice that the National Marine Fisheries Service ("NMFS") issued an Endangered Species Act biological opinion and Magnuson-Stevens Fishery Conservation Management Act essential fish habitat consultation on May 17, 2019, evaluating the hatchery programs in the Upper Willamette River basin. NMFS also issued a record of decision on May 21, 2019, for the final environmental

impact statement analyzing the impacts of NMFS' proposed approval of the hatchery genetic management plans for spring Chinook salmon, steelhead, and rainbow trout. That same day, NMFS issued an Endangered Species Act Section 4(d) letter for the Upper Willamette River spring Chinook salmon hatchery programs to the Corps and Oregon Department of Fish and Wildlife. Defendants' counsel has provided these documents to Plaintiffs' counsel.

In accordance with the recent status report, the parties will submit a new joint status report proposing next steps for this case within 10 days.

Dated: May 23, 2019

Respectfully submitted,

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SETH M. BARSKY, Chief
S. JAY GOVINDAN, Assistant Chief

/s/ Kaitlyn Poirier
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CERTIFICATE OF SERVICE

I hereby certify that on May 23, 2019, a true and correct copy of the above document was electronically filed with the Clerk of Court using CM/ECF. Copies of the document will be served upon interested counsel via the Notices of Electronic Filing that are generated by CM/ECF.

/s/ Kaitlyn Poirier

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